



The Law Society of
Upper Canada

Barreau
du Haut-Canada

February 4, 2016

Mr. Shri Narendra Damodardas Modi
Prime Minister's Office
Room number 152
South Block
New Delhi
India

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

tel 416-947-3937
fax 416-947-7609

Dear Prime Minister:

Re: Harassment against human rights lawyers Shalini Gera and Isha Khandelwal

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the harassment of human rights lawyers Shalini Gera and Isha Khandelwal. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Shalini Gera and Isha Khandelwal are human rights lawyers and the founders of the Jagdalpur Legal Aid Group (JagLAG), an organization that provides free legal aid to Adivasi people in Bastar, Dantewada, Kanker, Sukma and Bijapur. JagLAG has also worked on cases involving alleged human rights abuses by police.

It has come to our attention that on 6 October 2015, the Bastar Bar Association passed a resolution prohibiting any lawyer who is not registered with the local Bar Council from practising in the Jagdalpur courts. The resolution prevents Shalini Gera and Isha Khandelwal, both registered with the Delhi State Bar Council, from representing clients in Jagdalpur. It is our understanding that a local bar association has no authority to overrule Bar Council regulations and prevent a lawyer from practising in any court in the country under Section 30 of the *Advocates Act of India*.

Human rights organizations believe that the resolution is intended to inhibit the work of Shalini Gera and Isha Khandelwal as lawyers for JagLAG. Reports indicate that both lawyers have faced repeated harassment as a result of their work in the region.

The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of India to:

- a. put an end to all acts of harassment against Shalini Gera and Isha Khandelwal, as well as other human rights lawyers and defenders in India;
- b. guarantee in all circumstances the physical and psychological integrity of Shalini Gera and Isha Khandelwal;
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,400 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Vishnu Prakash
High Commission of India
10, Springfield Road
Ottawa, Ontario, Canada
K1M 1C9

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Chairman, The Bar Council of India

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales